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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 30 2011

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY,
AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN ITS
RATES AND CHARGES BASED THEREON FOR
UTILITY SERVICE BY ITS AGUA FRIA WATER
DISTRICT, HAVASU WATER DISTRICT, AND
MOHAVE WATER DISTRICT.

DOCKET NO. W-01303A-10-0448

PROCEDURAL ORDER

BY THE COMMISSION:

On November 13, 2010, Arizona-American Water Company ("Company") filed with the Arizona Corporation Commission ("Commission") an application for rate increases for its Agua Fria Water District, Havasu Water District, and Mohave Water District.

On January 20, 2011, a rate case procedural order was issued setting a hearing date and associated procedural deadlines. The hearing is currently set to commence on August 17, 2011, at 1:00 p.m.

Intervention has been granted to the Residential Utility Consumer Office ("RUCO") and the Water Utility Association of Arizona ("WUAA").

On March 21, 2011, the Company filed Notice of Filing Affidavits of Publication indicating that the Company caused notice of the application and hearing to be made in accordance with the requirements of the January 20, 2011 rate case procedural order.

On March 22, 2011, an intervention request was filed in this docket. The filing was signed by David Nilson, Director of Development, DMB White Tank, LLC.

On March 24, 2011, an intervention request was filed in this docket. The filing was signed by Melinda Gulick, President of the Verrado Community Association, Inc.

1 On March 25, 2011, Mashie, LLC dba Corte Bella Golf Club filed an Application for Leave
2 to Intervene.

3 On March 28, 2011, a procedural order was issued stating that pursuant to Arizona Supreme
4 Court Rules governing the practice of law in Arizona, DMB White Tank, LLC must be represented
5 by counsel before the Commission, and that the intervention request of DMB White Tank, LLC will
6 be considered once an intervention request is filed in this docket by counsel representing DMB White
7 Tank, LLC in this matter.

8 The March 28, 2011 procedural order further stated that pursuant to Arizona Supreme Court
9 Rule 31(d)(28), a non-profit organization may be represented before the Commission by a corporate
10 officer, employee, or a member who is not an active member of the state bar, if certain requirements
11 are met. The procedural order stated that the intervention request of the Verrado Community
12 Association, Inc. will be considered once one of the following is filed in this docket: (1) specific
13 authorization, such as a board resolution, for Ms. Gulick or another specifically named lay person
14 meeting the requirements of Arizona Supreme Court Rule 31(d)(28) to represent the Verrado
15 Community Association, Inc. in this matter; or (2) an intervention request filed by counsel
16 representing the Verrado Community Association, Inc. in this matter.

17 On March 29, 2011 an intervention request was filed in this docket. The filing was signed by
18 William J. Sullivan, President of the Board of Directors of the Sun City Grand Community
19 Association, Inc. ("SCGCA").

20 Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be
21 represented before the Commission by a corporate officer, employee, or a member who is not an
22 active member of the state bar, if (1) the non-profit organization has specifically authorized the
23 officer, employee, or member to represent it in the particular matter; (2) such representation is not the
24 person's primary duty to the non-profit organization, but is secondary or incidental to such person's
25 duties relating to the management or operation of the non-profit organization; and (3) the person is
26 not receiving separate or additional compensation (other than reimbursement for costs) for such
27 representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or
28 presiding officer may require counsel in lieu of lay representation whenever it is determined that lay

1 representation is interfering with the orderly progress of the proceeding, imposing undue burdens on
2 the other parties, or causing harm to the parties represented.

3 If SCGCA wishes Mr. Sullivan or another qualified lay representative to represent SCGCA in
4 lieu of representation by counsel in this matter, SCGCA must docket specific authorization, such as a
5 board resolution, for a lay person meeting the requirements of Arizona Supreme Court Rule 31(d)(28)
6 to represent it in this matter. Without such authorization, the Commission cannot, pursuant to
7 Arizona Supreme Court Rules, allow Mr. Sullivan or any other lay person to appear and represent
8 SCGCA in this proceeding.

9 IT IS THEREFORE ORDERED that the intervention request of the Sun City Grand
10 Community Association, Inc. will be considered once one of the following is filed in this docket: (1)
11 specific authorization, such as a board resolution, for Mr. Sullivan or another specifically named lay
12 person meeting the requirements of Arizona Supreme Court Rule 31(d)(28) to represent the Sun City
13 Grand Community Association, Inc. in this matter; or (2) an intervention request filed by counsel
14 representing the Sun City Grand Community Association, Inc. in this matter.

15 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
16 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
19 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
20 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
21 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
22 Administrative Law Judge or the Commission.

23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
24 Communications) continues to apply to this proceeding and shall remain in effect until the
25 Commission's Decision in this matter is final and non-appealable.

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27 ...

28 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this procedural order either by subsequent procedural order or by ruling at
3 hearing.

4 DATED this 30th day of March, 2011.

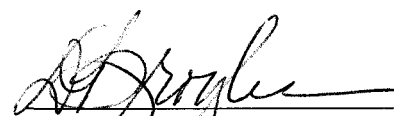
6
7 
8 TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 3rd day of March, 2011 to:

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